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SENATE BILL 380

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; REQUIRING NEW AND USED MOTOR VEHICLES SOLD IN NEW MEXICO TO BE EQUIPPED WITH AN IGNITION INTERLOCK DEVICE; PROVIDING A TAX CREDIT; MAKING AN APPROPRIATION; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] NEW AND USED MOTOR VEHICLES--  
EQUIPPED WITH IGNITION INTERLOCK DEVICES.--

A. No later than January 1, 2008, every new motor vehicle sold or offered for sale in New Mexico shall be equipped with an ignition interlock device. Following a sale, when an owner of a motor vehicle makes an application to the taxation and revenue department to register the owner's motor vehicle, the owner shall provide the department with proof that

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1 the motor vehicle is equipped with an ignition interlock  
2 device.

3 B. No later than January 1, 2009, every used motor  
4 vehicle sold or offered for sale in New Mexico shall be  
5 equipped with an ignition interlock device. Following a sale,  
6 when an owner of a motor vehicle makes an application to the  
7 taxation and revenue department to register the owner's motor  
8 vehicle, the owner shall provide the department with proof that  
9 the motor vehicle is equipped with an ignition interlock  
10 device.

11 C. The traffic safety bureau of the department of  
12 transportation shall adopt rules necessary to implement the  
13 provisions of this section.

14 D. As used in this section:

15 (1) "ignition interlock device" means a device  
16 that regulates the operation of a motor vehicle by measuring an  
17 operator's blood alcohol level before allowing the operator to  
18 start the vehicle and that periodically tests the operator's  
19 blood alcohol level while he operates the vehicle; and

20 (2) "motor vehicle" means a passenger motor  
21 vehicle, including an automobile, pickup truck or van normally  
22 used for personal, family or household purposes, that is sold  
23 and registered in this state and whose gross vehicle weight is  
24 less than ten thousand pounds.

25 Section 2. Section 7-14-3 NMSA 1978 (being Laws 1988,

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1 Chapter 73, Section 13, as amended) is amended to read:

2 "7-14-3. IMPOSITION OF MOTOR VEHICLE EXCISE TAX.--An  
3 excise tax, subject to the credit provided by Section 7-14-7.1  
4 or 7-14-7.2 NMSA 1978, is imposed upon the sale in this state  
5 of every vehicle, except as otherwise provided in Section  
6 7-14-7.1 NMSA 1978 and manufactured homes, required under the  
7 Motor Vehicle Code to be registered in this state. To prevent  
8 evasion of the excise tax imposed by the Motor Vehicle Excise  
9 Tax Act and the duty to collect it, it is presumed that the  
10 issuance of every original and subsequent certificate of title  
11 for vehicles of a type required to be registered under the  
12 provisions of the Motor Vehicle Code constitutes a sale for tax  
13 purposes, unless specifically exempted by the Motor Vehicle  
14 Excise Tax Act or unless there is shown proof satisfactory to  
15 the department that the vehicle for which the certificate of  
16 title is sought came into the possession of the applicant as a  
17 voluntary transfer without consideration or as a transfer by  
18 operation of law. The excise tax imposed by this section shall  
19 be known as the "motor vehicle excise tax"."

20 Section 3. A new section of the Motor Vehicle Excise Tax  
21 Act, Section 7-14-7.2 NMSA 1978, is enacted to read:

22 "7-14-7.2. [NEW MATERIAL] CREDIT--IGNITION INTERLOCK  
23 DEVICE.--When a motor vehicle is equipped with an ignition  
24 interlock device, the amount paid by the owner of the motor  
25 vehicle for the ignition interlock device shall be credited

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1 against the amount of the motor vehicle excise tax due on the  
2 same motor vehicle."

3 Section 4. APPROPRIATION.--Fifty thousand dollars  
4 (\$50,000) is appropriated from the general fund to the traffic  
5 safety bureau of the department of transportation for  
6 expenditure in fiscal year 2005 to hire one full-time employee  
7 to draft rules and supervise the rule-making process regarding  
8 the requirement that every new or used motor vehicle sold in  
9 New Mexico shall be equipped with an ignition interlock device.  
10 Any unexpended or unencumbered balance remaining at the end of  
11 fiscal year 2005 shall revert to the general fund.

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